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Message Text

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60
ACTION L-03

INFO OCT-01 AF-06 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 MC-02

EB-07 NRC-05 TRSE-00 ERDA-05 COME-00 OPIC-03 AID-05

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R 311530Z DEC 75
FM AMEMBASSY DAKAR
TO SECSTATE WASHDC 3333

C O N F I D E N T I A L DAKAR 7346

E.O. 11652 GDA
TAGS: BGEN, PFOR, PINR, MASS, SG
SUBJ: BRIBERY OF FOREIGN OFFICIALS BY US FIRMS OPERATING ABROAD;
MUNITIONS CONTROL AND AGENTS FEES

REF: STATE 258169, STATE 255260

1. SECTIONS 159 THROUGH 163 OF SENEGALESE PENAL CODE
SPECIFY PRISON TERMS AND FINES FOR ANY CIVIL SERVANTS,
MILITARY OR GOVERNMENT OFFICIALS CONVICTED OF SOLICITING OR
ACCEPTING ANY GRATUITIES IN RETURN FOR INFLUENCING
GOVERNMENT BUSINESS UNDER THEIR CONTROL. PERSONS CONVICTED
OF OFFERING OR GRANTING SUCH GRATUITIES ARE SUBJECT TO
SIMILAR PENALITIES. NO DISTINCTIONS MADE BETWEEN
SENEGALESE CITIZENS AND FOREIGNERS. COPIES OF RELEVANT
SECTIONS BEING POUCHED TO L/PM.

2. PROBLEM ARISES IN GAP BETWEEN LAWS AND PRACTICE. WHILE
CORRUPTION IN AWARDING GOVERNMENT CONTRACTS IS NOT PRACTICED
AS OPENLY IN SENEGAL AS IT IS IN WEALTHIER LDCS, NONETHELESS
IT DOES EXIST. REPS OF US FIRMS WHO RAISE THIS POINT SHOULD
BE INFORMED OF THE RELEVANT LAWS AND ALSO OF THE REALITIES
OF DOING BUSINESS IN SENEGAL.

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3. WITH RESPECT TO REF (B) ON AGENCY FEE PAYMENTS IN

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CONNECTION WITH FOREIGN MUNITIONS SALES, NO MAJOR CONTRACTS
WITH GOS HAVE BEEN ENTERED INTO RECENTLY BY US FIRMS ENGAGED
IN DEFENSE-RELATED SALES. EMBASSY HAS THUS NOT HAD OPPORTUNITY
TO EVALUATE INTEREST TAKEN BY GOS IN FULL DISCLOSURE OF
AGENTS' FEES. WHILE EMPLOYMENT OF AGENTS WHO RECEIVE FEES FOR
SUCCESSFUL TRANSACTIONS IS COMMON PRACTICE IN SENEGAL AS
ELSEWHERE, EMBASSY KNOWS OFNO NEW STEPS BY GOS TO TAKE
LEGISLATIVE OR ADMINISTRATIVE ACTION TO ENFORCE DISCLOSURE OF ALL
FEES CONNECTED WITH SALES OR TO DISCOURAGE PAYMENT OF EES TO
AGENTS RENDERING HELPFUL SERVICES. UNDER THESE CIRCUMSTANCES,
AMERICAN FIRMSL OBLIGED TO DISCLOSE FEES INCURRED IN MILITARY
SALES OR COMMERCIAL TRANSACTIONS COULD INCUR COMPETITIVE
DIS-ADVANTAGE VIS-AVIS COMPANIES FROM OTHER COUNTRIES WHICH
ARE NOT OBLIGED TO MAKE SIMILAR DISCLOSURE.
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